

**REMARKS**

In the office action, pending claims 11, 12, 14, 15, 18, 26, 27, 29, 30 and 36-45 were rejected under 35 U.S.C. § 103(a). Claims 11, 12, 14, 15, 26, 27, 29, 30, 36-39 and 44-45 were rejected as allegedly being obvious over U.S. Patent No. 5,905,942 to Stoel et al. (hereinafter "Stoel") in view of U.S. Patent No. 5,931,901 to Wolfe et al. (hereinafter "Wolfe"). Claims 18 and 41 were rejected as allegedly being obvious over Stoel in view of U.S. Patent No. 5,781,734 to Ohno et al. (hereinafter "Ohno"). Claim 40 was rejected as allegedly being obvious over Stoel in view of Ohno further in view of Wolfe. Applicants respectfully traverse these rejections of record. Further, Applicants note that the Examiner apparently did not provide any comments respecting pending claim 19. Applicants respectfully submit that this claim and all other pending claims are in condition for allowance.

Independent claim 11 is directed to a method for presenting program material from a plurality of program sources to users using a host computing device and allocating tasks among a plurality of audiovisual serving devices, said method comprising:

- responding to a user request to order program material by selecting one of a plurality of Assignable Computing Devices to generate a menu, said menu listing available program material;
- presenting the user with said menu over a Room Communication Subsystem;
- receiving a program selection from the user over the Room Communication Subsystem;
- responding to said selection of program material by selecting one of a plurality of audiovisual serving devices to present the program material;
- presenting the program material to the user over the Room Communication Subsystem; and
- creating a set of user data, said set of user data listing stated user preferences.

Independent claims 14, 18, 26 and 29 were rejected for similar reasons to those discussed with regards to claim 11.

Stoel is directed to a cable television system for delivery of television programming, on demand movies, and interactive services, to a subscriber's residence. (*See* Stoel, Abstract). According to the "Summary of the Invention," Stoel describes a distribution system in which the on demand programming and interactive services are normally jammed, or interdicted, by interdiction field units associated with the subscriber's residence. The system headend allows access by the subscriber to the services by instructing the interdiction field units to "unjam" the channel carrying the signals for the services. (*See* Stoel, Abstract).

Stoel is fundamentally different from the present invention for several reasons. First, the present invention is directed to Assignable Computing Devices. As described further within the specification, a device is assigned to a single user. (*See, e.g.,* Specification, p. 3, line 20; p. 11, lines 9-12, "For example, when the SMS 10 directs an audiovisual serving device to provide a videotape to a user, both that particular tape and the audiovisual serving device will no longer be available to other users for the duration of the videotape, plus the time needed to rewind.."). Stoel does not disclose or suggest the assignment of a device to a user for presentation of program material. Indeed, Stoel relies on a scheme of "jamming" and "unjamming" signals which are broadcast on channels to multiple users in the system. Multiple users can access the same program, served on the *same* broadcast channel by the *same* device, when the headend unit instructs the subscribers interdiction units to "unjam" the signal on the given channel. Indeed, Stoel teaches away from a key feature of the present invention. Moreover, this deficiency is not corrected by Wolfe or Ohno.

Accordingly, for at least these reasons and because all pending claims include at least the limitation of Assignable Computing Devices, the pending claims cannot properly be rendered obvious by the combination of cited references. Accordingly, Applicants respectfully submit that these claims are in condition for allowance.

Similarly, Stoel and the other cited references do not disclose or even

remotely suggest generating a menu using an Assignable Computing Device. As discussed in the Office Action, Stoel describes presenting a menu to a user using a "headend" unit. (See Office Action, p.3). As is clear from Figure 1 of Stoel, that single headend unit is used to service multiple subscribers, and therefore cannot possibly be considered an assignable computing device which is assigned to a single user. For these additional reasons, Applicants respectfully submit that all pending claims are in condition for allowance.

Moreover, as noted in the Office Action, Stoel fails to disclose creating a set of user data listing stated user preferences, as required in claims 11, 12, 14, 15, 26, 27, 29, 30 and 36-45. (See Office Action, p.3). The Examiner asserts that Stoel can properly be combined with Wolfe to describe such feature. Applicants respectfully traverse this assertion.

Wolfe is directed to a system and method for delivering programmed music and targeted advertising to internet subscribers. (See Wolfe, Abstract). The provision of targeted advertising is a distinct endeavor from the multiple dwelling unit cable television system for distribution of television programming and interactive services described in Stoel. Furthermore, there is no teaching or suggestion to combine these references in any of the cited art. Absent some teaching, suggestion, or incentive supporting the combination, obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention. (*ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 USPQ 929, 933, 732 F.2d 1572, 1577 (Fed. Cir. 1984)). Accordingly, Applicants respectfully submit that this combination of references is improper. For at least this additional reason, Applicants respectfully submit that pending claims 11, 12, 14, 15, 26, 27, 29, 30 and 36-45 are in condition for allowance.

### **CONCLUSION**

In view of the foregoing remarks, favorable reconsideration and allowance of claims 11, 12, 14, 15, 18, 19, 26, 27, 29, 30 and 36-45 are respectfully solicited. In the

event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,



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Paul A. Ragusa  
PTO Reg. No. 38,587  
(212) 408-2588

Robert L. Maier  
PTO Reg. No. 54,291  
(212) 408-2538

BAKER BOTTS L.L.P.  
30 Rockefeller Plaza  
New York, NY 10112